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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA and  
LAWYERS COMMITTEE FOR CIVIL RIGHTS  
OF THE SAN FRANCISCO BAY AREA,

Plaintiff,

v.

DEPARTMENT OF HOMELAND  
SECURITY,

Defendant.

PJH 08-2744

**STIPULATED REQUEST FOR AN  
ORDER ENLARGING THE TIME FOR  
DEFENDANT TO MOVE FOR  
SUMMARY JUDGMENT**

Pursuant to Civil L.R. 6-2, the parties, through undersigned counsel, hereby stipulate to an enlargement of time, up to and including Friday, March 20, 2009, for Defendant to move for summary judgment.<sup>1</sup> Counsel for Plaintiff has stipulated to this extension request. As grounds for this stipulation, Defendant states as follows:

1. On September 19, 2008, the parties participated in a joint case management conference in which, inter alia, the Court ordered the parties to continue their attempts to settle this matter, if possible.

<sup>1</sup> Defendant's summary judgment motion is currently due on December 15, 2008.

1           2. After the joint case management conference, counsel for the parties met and attempted to  
2 narrow the scope of this dispute.

3           3. Pursuant to those discussions, the parties stipulated to an extension of time to allow  
4 Defendant the opportunity to broaden the parameters of one of its searches in an attempt to locate  
5 information responsive to plaintiffs' FOIA request. Additionally, Defendant also engaged in an  
6 internal review of responsive documents to make determinations regarding segregable material.

7           4. Defendant has completed its internal review, and after internal Agency discussion and  
8 consultation with plaintiff's counsel, on December 9, 2008, the Agency determined that it could  
9 release, in part, 691 pages of documents responsive to plaintiff's March 6, 2007 FOIA request.

10          5. This supplemental production of documents will be produced to plaintiff on December 15,  
11 2008.

12          6. Additionally, pursuant to the broadened search parameters, Defendant has uncovered  
13 approximately 980 pages of additional documents responsive to plaintiff's request. The documents  
14 will be released in part after agency processing.

15          7. Given the voluminous number of documents to be processed and the press of business with  
16 Defendant's other FOIA cases, Defendant estimates that it will need until approximately February 13,  
17 2009 to redact the documents that have been located, and will provide the documents to plaintiff at  
18 that time.

19          8. The parties stipulate and request that Plaintiff be granted two weeks thereafter to review  
20 the documents to make a determination as to whether further litigation in this matter is warranted.  
21 The parties stipulate that Plaintiffs will inform Defendant of their position by February 27, 2009.

22          9. The parties further stipulate and request that, if the parties are unable to amicably settle the  
23 instant action, Defendant's summary judgment motion would be due three weeks thereafter, on  
24 March 20, 2009. Defendant's counsel notes that he will be out of the office during the week of  
25 March 9, 2008.

26          6. This stipulation is supported by the Declaration of Catrina Pavlik-Keenan, ICE FOIA  
27 Officer, filed herewith. Defendant has sought a previous extension of time in this case.

7. As additional time for the Agency to process any responsive material may result in the settlement of this matter without the need for further litigation, Plaintiff is not prejudiced by this extension request. In fact, Plaintiff has stipulated to this request.

8. An extension of the due date for Defendant's motion for summary judgment would require the current briefing schedule to be altered. The parties propose the following modified schedule:

- Defendant's Motion for Summary Judgment – due on Friday, March 20, 2009
- Plaintiff's Opposition/Cross-Motion – due on Friday, April 17, 2009
- Defendant's Reply/Opposition – due on Friday, May 1, 2009
- Plaintiff's Reply – due on Friday, May 8, 2009
- Summary Judgment Hearing – Tuesday, June 16, 2009

For the reasons set forth above, and in the Declaration of Catrina Pavlik-Keenan, ICE FOIA Officer, the parties hereby move for an order granting Defendant until Friday, March 20, 2008, to move for summary judgment and further adjusting the briefing schedule as agreed to by the parties.

Dated: December 12, 2008

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: December 15, 2008

Honorable Phyllis J. Hamilton

Stipulated Request For Order Changing Time of Due Date of Defendant's Summary Judgment Mot. 08-2744 (PJH)

